



CITY OF
TUCSON

DEPARTMENT OF
URBAN
PLANNING &
DESIGN

July 10, 2006

To: Subscriber to the Tucson *Land Use Code (LUC)*

SUBJECT: SUPPLEMENT NO. 38 TO THE *LAND USE CODE (LUC)*

Dear Subscriber:

Enclosed is Supplement No. 38 to your copy of the City of Tucson *Land Use Code (LUC)*. An explanation of the revisions included in this Supplement is also enclosed.

This Supplement includes Ordinance No. 10295 Rio Nuevo and Downtown (RND) Zone, adopted by the Mayor and Council on June 27, 2006. In addition, some minor formatting errors have been corrected.

Please recycle and replace pages in your *LUC* as follows.

<i>Article II. Zones</i>		
<i>Item</i>	<i>Remove Old Pages</i>	<i>Insert New Pages</i>
Division 8. Rio Nuevo & Downtown (RND) Zone	179.9-179.11	179.9 - 179.13

<i>Appendices</i>		
<i>Item</i>	<i>Remove Old Pages</i>	<i>Insert New Pages</i>
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Please insert and maintain this instruction sheet in the front of your copy of the *LUC*.

Should you have any questions while replacing these pages, please call me at 791-4505.

Sincerely,

Ramona Williams
Secretary

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Enclosures: Summary of Amendment
 Supplement No. 38

TUCSON LAND USE CODE (LUC) - SUPPLEMENT NO. 38

SUMMARY OF AMENDMENTS

ORDINANCE NO. 10295

ORDINANCE NO. 10295 (Adopted on June 27,2006)

The adopted LUC amendment includes the following:

Section 1. The Tucson Code, Chapter 23, Land Use Code, Article II, Division 8, Section 2.8.10 is hereby amended by adding a new section 2.8.10.8 to include the following information. Modification of Development Regulations (MDR). The Development Services Department Director may modify the development regulations within the RND in Article III, Division 1, General Provisions, Division 2, Development Criteria, Division 3, Motor Vehicle & Bicycle Parking Requirements, Division 4, Off-Street Loading and Division 7, Landscaping and Screening Regulations. The process shall be known as the modification of development regulations (MDR) The Approval Procedure is included, and the conditions of Approval, along with the requirements (Items B, C and D). In addition, MDR cannot increase the density or intensity of uses or alter the applicable zoning requirements for a property established by Article II and the performance criteria established by Division 5 of Article III of the LUC.

2.8.10.4 **Design Review.** Applications for projects within the Rio Nuevo and Downtown (RND) Zone shall be reviewed in accordance with the Administrative Design Review Procedures, 23A-32. The application must include a Design Context and Compatibility Report in conformance with Development Standard 9-10.2.0. Applications shall be subject to the following level of review.

- A. *Minor Design Review.* A minor review is required for any modification of, addition to or alteration of an existing structure that would affect the exterior appearance, which does not require a building permit. Work which proposed only color changes to the exterior of the structure shall not be subject to any review.
- B. *Major Project Design Review.* A major review is required for all new construction and any addition to an existing structure that would affect the exterior appearance, which involves new construction of two thousand (2000) square feet of gross floor area (GFA) or larger in size.
- C. *Full Design Review.* A full review is required for the following.
 - 1. Any modification to or alteration of an existing structure that would affect the exterior appearance and requires a building permit.
 - 2. All projects requiring a grading permit.
 - 3. All projects which propose constructing or enlarging parking lots.
 - 4. Any addition to an existing structure that does not exceed two thousand (2000) square feet of gross floor area (GFA).
 - 5. Applications which have completed the major review process which shall be reviewed to verify incorporation into the final plans and drawings the preliminary findings and recommendations of the Development Review Board (DRB) rendered in the major review.

(Ord. No. 9967, §2, 7/1/04)

2.8.10.5 **Design Criteria.** Development within the Rio Nuevo and Downtown (RND) Zone shall meet the design principles set forth in Sec. 2.8.10.1 by complying with the following Design Criteria (see Development Standards 9-10.0, 10-02.0, 10-03.0, and 10-05.0). (Ord. No. 9967, §2, 7/1/04)

- A. The proposed buildings should respect the scale of those buildings located in the development zone and serve as an orderly transition to a different scale. Building heights with a vastly different scale than those on adjacent properties should have a transition in scale to reduce and mitigate potential impacts. In areas undergoing change, long-range plans should be consulted for guidance as to appropriate heights.
- B. All new construction shall maintain the prevailing setback existing within its development zone.
- C. All new construction shall provide scale-defining architectural elements or details at the first two floor levels, such as windows, spandrels, awnings, porticos, cornices, pilasters, columns, and balconies.
- D. Every commercial building frontage shall provide windows, window displays, or visible activity within and adjacent to the building at the ground floor level, with a minimum of fifty (50) percent of the building frontage providing such features.
- E. A single plane of a façade at the street level may not be longer than fifty (50) feet without architectural relief or articulation.

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 RIO NUEVO AND DOWNTOWN (RND) ZONE

- F. Building façade design shall include pedestrian-scaled, down-shielded, and glare-controlled exterior building and window lighting.
- G. The front doors of all commercial and government buildings shall be visible from the street and visually highlighted by graphics, lighting, marquees, or canopies.
- H. Modifications to the exterior of historic buildings shall complement the overall historic context of the Downtown and respect the architectural integrity of the historic façade.
- I. Buildings shall be designed to shield adjacent buildings and public rights-of-way from reflected heat and glare.
- J. Safe and adequate vehicular parking areas designed to minimize conflicts with pedestrians and bicycles shall be provided.
- K. Adequate shade shall be provided for sidewalks and pedestrian pathways, using shade structures or vegetation, where permitted by the City of Tucson.

2.8.10.6 General Restrictions. The following restrictions apply to all uses and development in this zone.

- A. New drive-in or drive-through facilities are not permitted, except for freeway-oriented businesses, or as approved through the development review process.
- B. For structures on or eligible for designation on the National Register, uses shall be accommodated without altering the historic character-defining features of the structure. (See Development Standard 9-10.0 for a list of all such structures within the Rio Nuevo and Downtown [RND] Zone.) (Ord. No. 9967, §2, 7/1/04)

2.8.10.7 Demolition of Rio Nuevo and Downtown Zone structures. Structures within the RND which are more than forty (40) years old and which are eligible for, or registered on, the National Register of Historic Places or the Arizona Register of Historic Places, shall be reviewed in accordance with this section. Structures that are designated as Historic Landmarks shall be reviewed in the same manner as Historic contributing properties. Structures eligible for designation which contribute to the historic character of the RND shall be reviewed in the same manner as contributing, nonhistoric structures. Structures that are forty (40) years old or less, and structures that are determined not to be eligible for, or registered on, the National Register of Historic Places or the Arizona Register of Historic Places, shall not be subject to any further review. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9780, §3, 10/14/02)

2.8.10.8 Modification of Development Regulations (MDR). The Development Services Department (DSD) Director may modify the development regulations within the RND in [Article III, Division 1, General Provisions](#), [Division 2, Development Criteria](#), [Division 3, Motor Vehicle & Bicycle Parking Requirements](#), [Division 4, Off-Street Loading](#) and [Division 7, Landscaping and Screening Regulations](#). This process shall be known as the modification of development regulations (MDR).

- A. Approval Procedure. An application for an MDR shall be approved in the following manner:
 - 1. Where the DSD Director determines that the application is for a minor modification that does not significantly effect properties other than those immediately adjacent to the site, the MDR may be approved through the Limited Notice Procedure, Development Compliance Code, Sec. 23A-40. If a protest to the modification is received prior to a decision, or the DSD Director subsequently determines that the application should be treated as a significant modification, the application shall be treated as a request for a modification under Sec. 2.8.10.8.A.2 and considered by the Board of Adjustment; and

2. Where the DSD Director determines that the application is for a modification that significantly effects properties other than those immediately adjacent to the site, or where a protest is received in the course of a Limited Notice Procedure, the MDR may be approved through the Board of Adjustment Full Notice Procedure, Development Compliance Code, Sec. 23A-52. The Board of Adjustment shall determine whether to grant or deny the modification based upon the criteria in this section.
- B. The MDR shall be approved only if it:
1. Has no significant adverse effect, such as those involving noise levels, glare, odors, vibration, illumination, fumes, and vapors, on adjacent property; and
 2. Benefits adjacent property and the surrounding area by the redevelopment of the existing site and surrounding area in a way consistent with the RND purpose to create high intensity mixed use development and enhancing the pedestrian environment.
- C. In addition to B above, the MDR shall be approved only if it accomplishes at least one of the following:
1. Enhances and improves the appearance of the surrounding area consistent with the RND purpose statement;
 2. Offers design alternatives that significantly improve the integration of the land use, traffic and architectural design consistent with redevelopment of the downtown as the primary regional activity center for finance, culture, government and mixed use development;
 3. Creates visual interest at the pedestrian scale through features that contribute to outdoor activity, provide shade, and improve the appearance of building facades;
 4. Provides for greater resource conservation than the regulation being modified, including providing building energy efficiency, greater use of solar energy, water harvesting and other conservation measures.
- D. In addition to subsection B and C above, an MDR that involves a reduction in parking shall:
1. Demonstrate that the off-street motor vehicle parking proposed in the MDR application will not have an adverse impact on adjacent properties and meets the RND parking objectives; and
 2. Demonstrate how any off-street motor vehicle parking proposed in the MDR application does not burden neighboring residential streets with the traffic it generates.
- E. An MDR cannot increase the density or intensity of uses or alter the applicable zoning requirements for a property established by Article II and the performance criteria established by Article II and the performance criteria established by [Division 5 of Article III](#) of the LUC.

(Ord. No. 10295, §1, 6/27/06)

DIVISION 9. OPEN SPACE (OS) ZONE

SECTIONS:

2.9.1 OPEN SPACE (OS) ZONE

2.9.1 OPEN SPACE (OS) ZONE.

2.9.1.1 Purpose. The purpose of the Open Space (OS) zone is to designate both public and private open space resources, in order to:

- Preserve significant natural resources and open spaces, such as areas of undisturbed native vegetation, major rock outcrops, major ridges and peaks, riparian habitats, and valuable vegetated wash segments.
- Promote restoration of open space to provide visual, recreational, and habitat amenities.
- Preserve vestiges of the natural desert landscape and provide opportunities for hiking, horseback riding, bicycling, and more passive recreation in a natural setting.
- Contribute to the preservation of wildlife habitat, especially interconnected areas which foster the free movement of wildlife, within the city.
- Promote a continued economic benefit to the region by protecting open space areas for the visual and recreational enjoyment of residents and visitors alike.
- Provide a mechanism for recognizing and protecting public and private lands that have been designated for preservation by the property owner.

2.9.1.2 Applicability. The Open Space (OS) zone may be applied to both public and private lands that warrant protection as open space. The OS zone may be applied to land only with the express written consent of the property owner(s). (Ord. No. 9374, §1, 4/10/00)

- A. *Dedications and Donations.* The Open Space (OS) zone may be applied by the City to land that is preserved by acquisition, an easement, or dedication, and/or donation to the City or other entity, for the purpose of keeping the land as permanent natural open space.
- B. *Fee Waiver.* Fees for a rezoning application to the Open Space (OS) zone are waived. (Ord. No. 9374, §1, 4/10/00)

2.9.1.3 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. [3.2.3](#).

A. Recreation Use Group, Sec. [6.3.7](#)

1. Open Space "4"

2.9.1.4 General Restrictions. The following restrictions apply to all land uses and development in this zone.

- A. Unpaved or paved trails or paths are permitted for use only by pedestrians, nonmotorized bicycles, and horses. Limited access is permitted for maintenance vehicles only. Use by all-terrain vehicles is prohibited.
- B. Picnic areas, sitting areas, equestrian trail nodes, scenic lookouts, shade structures, and rest rooms are permitted, subject to minimal disturbance of the natural open space. Grills in the picnic areas and overnight camping are not allowed, unless located in an area that fire vehicles can access without impact on the natural open space.
- C. Access driveways and parking areas are permitted in conjunction with uses in Sec. 2.9.1.5.A and .B, subject to minimal disturbance of the natural open space.
- D. Drainageway facilities and utility easements must be revegetated to be consistent with the surrounding natural vegetation.
- E. All new utilities must be underground.

2.9.1.5 Open Space Requirements.

- A. The disturbed area shall be clearly identified and the balance of the property protected during construction. All impervious surfaces, buildings, utility or drainage corridors, and structures shall be contained within the disturbed area identified on the approved site plan.
- B. Whenever a portion of the property is disturbed by the construction of a permitted use or has been cleared of vegetation, the disturbed area shall be revegetated in conformance with an approved revegetation plan, using plants native to the site and the immediately surrounding area. Revegetation shall be at a similar density to the natural surroundings.
- C. The minimum width of property zoned OS shall be forty (40) feet, and the minimum contiguous area for OS is four thousand (4,000) square feet, unless the OS property connects to another perpetual, dedicated open space or trails resource.

(Ord. No. 9102, §1, 8/3/98)

APPENDIX 1

Checklist of Up-to-Date Pages

The following listing is included in this Code as a guide for the user to determine whether the Code volume properly reflects the latest print of each page.

In the first column, all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. When a page has been reprinted or printed as part of the supplement service, this column reflects the Supplement Number which is printed on the bottom of the page.

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